

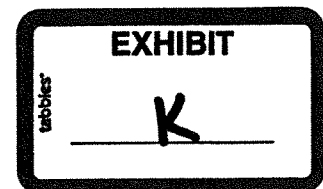
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANITA ARRINGTON-BEY, etc.,)
)
 Plaintiff,)
)
 v.) Case No. 1:14-CV-02514
) Judge Patricia A. Gaughan
 THE CITY OF BEDFORD HEIGHTS,)
 et al.,)
)
 Defendants.)

THE DEPOSITION OF CHERYL SINDONE
WEDNESDAY, MAY 6, 2015

The deposition of CHERYL SINDONE, a witness, called for examination by the Plaintiffs, under the Federal Rules of Civil Procedure, taken before me, Kristine M. Esber, a Notary Public in and for the State of Ohio, pursuant to notice and agreement of counsel, at the offices of Friedman & Gilbert, 55 Public Square, Suite 1055, Cleveland, Ohio, commencing at 3:10 p.m., the day and date above set forth.

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1 **A. Yes.**

2 Q. So when you came to the shift every day, all the
3 staffing for the day shift would be there at least for
4 a half hour; is that correct?

5 **A. For the most part. Sometimes people would leave**
6 **if they had something to do or somewhere to go. But**
7 **for the most part they stayed.**

8 Q. And had you been on the shift for some time;
9 was that a regular shift for you, or was that out of
10 the ordinary for you to be there in the afternoon?

11 **A. No. That was my shift.**

12 Q. And on June 21st, 2013 who were you supervising
13 that day?

14 **A. I don't remember. I came in late.**

15 Q. Okay. What time did you come in?

16 **A. It had to be after 3:00 because Mudra would have**
17 **got the briefing.**

18 Q. Well, Mudra would have been there at 3:00,
19 right?

20 **A. He would have been there at 3:00 but I think I**
21 **-- I don't recall everything, but I believe I called**
22 **him to tell him I was running late.**

23 Q. Okay. And Mudra was not an OIC, correct?

24 **A. He was an acting OIC. He was in charge when I**
25 **wasn't in charge.**

1 **A. I don't recall.**

2 Q. All right. But you actually saw Mr. Bey
3 rambling?

4 **A. Yes.**

5 Q. And being loud?

6 **A. Yes.**

7 Q. And acting bizarre, correct?

8 **A. I heard him through the intercom.**

9 Q. Okay. Because you were in the control room at
10 that point?

11 **A. Yes.**

12 Q. When you came on duty after three o'clock did
13 you go immediately to the control room?

14 **A. I don't recall if I did immediately. I don't**
15 **know if I actually did a head count. I don't remember.**

16 Q. Okay. But somebody else would have had to be in
17 that control room?

18 **A. Yes.**

19 Q. After three o'clock?

20 **A. Yes.**

21 Q. And it could have been anybody?

22 **A. It could have been anybody. Yeah.**

23 Q. Okay. So now we're in the area of like, let's
24 just say approximately 3:30 or so when you're getting
25 this information from Mudra.

1 **A. The interview room, I don't believe so. There**
2 **wasn't a camera.**

3 Q. All right. So do you know whether the audio is
4 recorded?

5 **A. I don't know that.**

6 Q. All right. And when you hear a voice from the
7 interview room, how do you know it's coming from the
8 interview room?

9 **A. Oh, you know that because it flashes up where**
10 **it's coming from.**

11 Q. All right. So tell us what you heard in the
12 early part of the shift coming out of the room.

13 **A. He wanted to eat. He was talking about eating.**

14 Q. Okay.

15 **A. And he wanted to use the bathroom.**

16 Q. Okay. Anything else?

17 **A. And he wanted to go home.**

18 Q. Anything about being thirsty?

19 **A. I don't recall that.**

20 Q. All right. You know, you gave a recorded
21 statement to the BCI; do you remember that?

22 **A. I don't remember what I said.**

23 Q. Okay. I understand. It was like a few days
24 after this happened, right?

25 **A. Correct.**

1 thirsty, maybe.

2 **A. Yes.**

3 Q. And what else did you observe or hear?

4 **A. That he kept ringing the buzzer.**

5 Q. Okay. And what, if anything, did that mean to
6 you?

7 **A. That something that's common. Everybody rings**
8 **the buzzer.**

9 Q. Okay. But in connection with ringing the buzzer
10 and the rambling behavior or the loud behavior, did
11 that register to you in any way as being significant?

12 **A. No, because he calmed down. And at one point we**
13 **didn't hear from him. He was quiet.**

14 Q. Okay. Did you get any training that mentally
15 ill people could be calm one minute and agitated and
16 out of control another minute?

17 Did you ever get any training about that notion?

18 **A. I received training, but I don't remember to**
19 **every degree of it.**

20 Q. Okay. What else in addition to the buzzer?

21 **A. That's all that I remember.**

22 Q. Okay.

23 **A. Because I was busy dealing with other things.**

24 Q. All right. Now, you mentioned in the statement
25 to the BCI agent -- I think his name is Arvin Clar --

1 A. No, I don't.

2 Q. And that you would never -- being a supervisor
3 you would never have allowed Mudra to bring him out --
4 well, let's strike that. That's the phone situation.

5 But you don't remember anything about the
6 bathroom?

7 A. No.

8 Q. Okay. Or about any incident regarding a
9 bathroom?

10 A. No, I don't know.

11 Q. All right. Now, do you remember actually
12 bringing him food?

13 A. I know he ate, but I don't remember. I mean, I
14 know we fed him, but I don't recall any of that.

15 Q. All right. Do you remember asking him if he
16 would like an extra tray?

17 A. I know that we gave him extra food. I don't
18 know if I gave him a bagged lunch, but he got extra
19 food because that always would calm somebody down.

20 Q. Okay. And do you recall saying to the
21 investigator for BCI, if someone I feel has problems,
22 maybe mental issues or something, I give them an extra
23 tray to calm them down?

24 A. That's sounds like something I would say. Yeah.

25 Q. Okay. And so I take it you recognized that he

1 might have had mental issues?

2 A. I'm not a doctor, but like I said, I believe
3 that, you know, if someone's in a room and he kept
4 ringing the buzzer, that if I gave him an extra tray or
5 a bagged lunch, that would settle him down for a little
6 bit and he would go to sleep.

7 Q. Okay. But you thought perhaps he had mental
8 health issues and that you gave him the extra tray to
9 calm him down?

10 A. I did give him an extra tray.

11 Q. Okay. So your answer is yes?

12 A. Yes.

13 Q. And in your statement I believe you mentioned
14 you actually remembered the food, goulash; does that
15 ring a bell?

16 A. We serve goulash every day there. So it looked
17 liked like dog food, but yes, we serve it every day.

18 Q. And that you remember that Omar was eating with
19 his hands.

20 A. I do remember that.

21 Q. You do?

22 A. I do remember that.

23 Q. Can you tell me more about that?

24 A. I don't know why he didn't have a spoon, but
25 probably because we were afraid he'd hurt himself maybe

1 with a spoon.

2 Q. I think you said there were utensils, but that
3 he wasn't using them.

4 A. He was eating with his hands. I don't remember
5 if he was eating with his feet, too. I remember he had
6 it all over him.

7 Q. Okay. That's not something you see every day?

8 A. Yeah. Actually, we would see that. Yeah. I've
9 seen people lick a bowl. Like they were so hungry,
10 they would --

11 Q. No, I understand that. But to eat with their
12 hands and feet?

13 A. Not with their feet. But I've seen people eat
14 without utensils.

15 Q. Eating with the feet was unusual?

16 A. That was -- I don't know if I would say it was
17 unusual. In jail you see stuff all the time.

18 Q. All right. And in one of the rooms, you see
19 that, too, or in the general population?

20 A. Other inmates will call and say, hey, this guy
21 is eating with his hands or -- yeah.

22 Q. All right.

23 A. I've seen it all.

24 Q. All right. So let's talk about the events where
25 you got into that situation with the altercation. So

1 long; I mean for a couple seconds. And Mudra was
2 crying out, help me, help me. And then I ran back into
3 the control room and called for the police department
4 for help.

5 Q. Okay. When you go back into the control room do
6 you have to unlock the door?

7 A. No. It was open.

8 Q. Okay. And is there a phone there that you would
9 use?

10 A. Yes.

11 Q. What kind of phone; is that like a landline?

12 A. It's like this phone (indicating), a landline.

13 Q. Do you have to dial anything or punch anything?

14 A. I believe I dialed 222. I know I called
15 dispatch.

16 Q. And so you reached dispatch?

17 A. Yes.

18 Q. And what did you say?

19 A. I said, I need assistance; Mudra -- either Mudra
20 is being attacked. I was screaming.

21 Q. All right. And did anybody say what you should
22 do?

23 A. No.

24 Q. Okay. So you never talked to Leonardi?

25 A. No.

1 Q. All right. Then what did you do?

2 A. I ran back out to help Mudra.

3 Q. All right. And where were they located?

4 A. They were on the ground.

5 Q. They were on the ground and was Omar on top of
6 Mudra?

7 A. He was -- he had his arm around his throat and
8 his body was on top of him.

9 Q. Okay. And what did you do?

10 A. I jumped on Omar's back and started hitting him
11 in the back of his head. And my radio fell.

12 Q. Okay. And then tell me what happened.

13 A. Then he took me down. He was choking me.

14 Q. How did he get you down?

15 A. I mean, he held me down (indicating) and like --
16 I don't know if I rolled over, but my arm was pinned on
17 -- and my leg was like pinned by the door and he was
18 choking me and hitting he.

19 Q. Was he saying anything during this time that you
20 remember?

21 A. I don't remember what he -- I know that - you
22 know, I was -- you know, I thought I was going to get
23 killed, to be honest with you.

24 Q. I understand. I know it's kind of hard.

25 A. Yeah. I don't remember everything, but I know